

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

At an extraordinary session of the Florida Legislature convened by proclamation of His Excellency, Fuller Warren, hereinafter set forth, begun and held at the Capitol in the City of Tallahassee, in the State of Florida.

Wednesday, September 7, 1949

In pursuance of the Proclamation of Honorable Fuller Warren, Governor of the State of Florida, the Senate met in Extraordinary Session at 12:00 o'clock, Noon, and was called to order by the President of the Senate, Honorable Newman C. Brackin; the President Pro Tempore of the Senate, Honorable William J. Ray, and the Secretary of the Senate, Robt. W. Davis, being at their posts.

The Proclamation of the Governor convening the Legislature in Extraordinary Session was read to the Senate, as follows:

A PROCLAMATION BY THE GOVERNOR

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

To the Honorable
Members of the Senate and House of Representatives:

WHEREAS, the Florida Legislature which convened in regular session on April 5, 1949, adjourned Sine Die without having provided sufficient revenue to defray the expenses of all departments of the State Government, including State appropriations for the common schools, the institutions of higher learning, the health and welfare programs, and to support the state institutions as expressly provided by Section 2 of Article 9 of the Constitution of the State, and

WHEREAS, unless the Legislature convenes and provides sufficient revenue to meet the needs of the State Government, including state appropriations for common schools, the institutions of higher learning, the health and welfare programs, the state institutions, and all other departments of the State Government, chaos will result;

NOW, THEREFORE, I, Fuller Warren, Governor of the State of Florida by virtue of the power and authority vested in me by the Constitution of the State do hereby convene the Legislature of the State of Florida in extraordinary session at the Capitol in Tallahassee at 12:00 o'clock Noon, September 7, 1949, for the sole purpose of considering the enactment of laws and proposing constitutional amendments which will raise or provide sufficient revenue to defray the expenses of the government, including state appropriations for common schools, institutions of higher learning, the health and welfare programs, the state institutions, and all other functions of government.

IN WITNESS, WHEREOF, I have hereunto set my hand as Governor, and caused the Great Seal of the State of Florida to be hereto affixed at Tallahassee, Florida, the Capital of the State, this 16th day of August, A. D. 1949, and of the the Independence of the United States of America, the One Hundred and Seventy-Fourth Year.

(Signed) FULLER WARREN,

GOVERNOR

BY THE GOVERNOR, ATTEST:
R. A. GRAY (Signed)
SECRETARY OF STATE

The roll was called and the following Senators answered to their names:

Senator Newman C. Brackin—1st District
Senator Philip D. Beall—2nd District
Senator Johnnie Wright—3rd District
Senator C. L. Alford—4th District
Senator Luther C. Tucker—5th District
Senator A. L. Wilson—6th District
Senator Harry E. King—7th District
Senator LeRoy Collins—8th District
Senator Joseph E. Johnston, Jr.—9th District
Senator W. T. Davis—10th District
Senator Henry S. Baynard—11th District
Senator Evans Crary—12th District
Senator R. B. (Bunn) Gautier—13th District
Senator J. Wofford Lindler—14th District
Senator Charley E. Johns—15th District
Senator A. G. McArthur—16th District
Senator G. Warren Sanchez—17th District
Senator John E. Mathews—18th District
Senator J. B. Rodgers, Jr.—19th District
Senator Wallace E. Sturgis—20th District
Senator J. Min Ayers—21st District
Senator S. D. Clarke—22nd District
Senator J. Edwin Baker—23rd District
Senator James A. Franklin—24th District
Senator Olin G. Shivers—25th District
Senator B. C. Pearce—26th District
Senator James W. Moore—27th District
Senator Walter G. Walker—28th District
Senator J. Slater Smith, Jr.—29th District
Senator George W. Leaird—30th District
Senator Verle A. Pope—31st District
Senator W. A. Shands—32nd District
Senator N. Ray Carroll—33rd District
Senator Raymond Sheldon—34th District
Senator John R. Beacham—35th District

Senator William J. Ray—36th District

Senator Lloyd F. Boyle—37th District

Senator J. C. Getzen—38th District

A quorum present.

Prayer was offered by the Senate Chaplain, Reverend D. L. Welch.

Senator Collins placed in nomination the name of Robt. W. Davis to be Secretary of the Senate for the Extraordinary Session.

Upon call of the roll on the election of Robt. W. Davis the vote was:

Yeas—38.

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—none.

So Robt. W. Davis was elected Secretary of the Senate for the Extraordinary Session.

The Honorable Alto Adams, Chief Justice of the Supreme Court of Florida, administered the oath of office to Robt. W. Davis, as Secretary of the Senate for the Extraordinary Session.

Senator Beall placed in nomination the name of D. H. McCallum to be Sergeant-at-Arms of the Senate for the Extraordinary Session.

Upon call of the roll on the election of D. H. McCallum the vote was:

Yeas—38.

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—none.

So D. H. McCallum was elected Sergeant-at-Arms of the Senate for the Extraordinary Session.

The Honorable Alto Adams, Chief Justice of the Supreme Court of Florida, administered the oath of office to D. H. McCallum, as Sergeant-at-Arms of the Senate for the Extraordinary Session.

Senator Clarke moved that Miss Kate Inman be named Reading Secretary of the Senate for the Extraordinary Session.

The question was put.

Which was agreed to and it was so ordered.

Senator Mathews moved that a Committee of three be appointed to wait upon the Governor and inform His Excellency that the Senate is duly organized in Extraordinary Session and ready to proceed to the business of the Session, awaiting any message he may wish to convey to the Body.

Which was agreed to.

The President appointed Senators Mathews, Shands and Shivers as the Committee.

The Committee withdrew.

Senator Sanchez moved that a Committee of three be appointed to notify the House of Representatives that the Senate is duly organized in Extraordinary Session and ready to proceed to the business for which the Session was called.

Which was agreed to.

The President appointed Senators Sanchez, Crary and Smith as the Committee.

The Committee withdrew.

The Committee appointed to wait upon the Governor and inform His Excellency of the organization of the Senate appeared at the Bar of the Senate and reported to the President that its duty had been performed.

The Committee was then discharged.

The Committee appointed to notify the House of Representatives of the organization of the Senate appeared at the Bar of the Senate and reported that its duty had been performed.

The Committee was then discharged.

A Committee from the House of Representatives, composed of Messrs. Smith of Polk, Dowda of Putnam and Fuqua of Manatee, appeared at the Bar of the Senate and stated that the House of Representatives was duly organized in Extraordinary Session and ready to proceed with the business of the Session.

The Committee withdrew.

Senator McArthur, Chairman of the Committee on Rules and Calendar, moved that the Rules of the 1949 Session, with the exception of Senate Rule No. 70 which shall be deleted, be adopted to govern this Extraordinary Session of the Senate until such time as the Committee on Rules and Calendar may report.

Which was agreed to and it was so ordered.

INTRODUCTION OF RESOLUTIONS AND CONSIDERATION OF SENATE RESOLUTIONS.

By Senator McArthur—

Senate Resolution No. 1-X(49):

~~IN RE:~~ SPECIAL RULE FOR THE CONSIDERATION OF BILLS AND LEGISLATIVE BUSINESS AT THE EXTRAORDINARY SESSION OF THE LEGISLATURE PURSUANT TO THE PROCLAMATION OF THE GOVERNOR CONVENING THE EXTRAORDINARY SESSION, WEDNESDAY, SEPTEMBER 7, 1949.

WHEREAS, the Governor in his Proclamation convening this Legislature stated the purpose for which it is to be convened and under Section 8, Article IV of the Constitution, the Legislature shall transact no legislative business other than that for which it is especially convened or such other legislative business as the Governor may call to its attention while in session except by a two-thirds vote of each House;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA:

1. That each bill introduced or offered, except purely local bills, before being considered or placed on the Calendar for consideration shall either receive a two-thirds vote of the entire membership of the Senate authorizing such consideration or in lieu thereof shall be referred by the President of the Senate to the Committee on Rules and Calendar for its consideration of the sole question as to whether or not the subject matter of such bill is within the purpose stated by the Governor in his Proclamation convening the Extraordinary Session. This rule shall apply to all bills contained in House Messages.

2. It shall be the duty of the Committee on Rules and Calendar to report each such bill to the Senate within 24 hours after the same has been offered in the Senate or received in a House Message.

3. In the event the report of the Committee on Rules and Calendar shall be that a general bill is not embraced within the purposes stated by the Governor, the same shall not be placed on the Calendar and shall not be considered by the Senate without the affirmative vote of two-thirds of the membership of the Senate.

Which was read the first time in full.

Pending adoption of Senate Resolution No. 1-X(49),

Senator Baynard moved that the further consideration of Senate Resolution No. 1-X(49) be postponed until Thursday, September 8, 1949.

Which was agreed to and it was so ordered.

By Senator McArthur—

Senate Concurrent Resolution No. 2-X(49):

A RESOLUTION INVITING THE GOVERNOR OF FLORIDA TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, it is the desire of this Legislature to have His Excellency, Fuller Warren, Governor of Florida, address us in joint session on this day, Wednesday, September 7, 1949;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

Sec. 1. That the Senate and House of Representatives convene in joint session in the chamber of the House of Representatives at 12:45 o'clock, P. M., this day, Wednesday, September 7, 1949, and that His Excellency, Fuller Warren, Governor of Florida, be invited to convey to the joint session such message as he may deem expedient.

Which was read the first time in full.

Senator McArthur moved that the rules be waived and Senate Concurrent Resolution No. 2-X(49) be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 2-X(49) was read the second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to and Senate Concurrent Resolution No. 2-X(49) was adopted, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Ray, President Pro Tempore, now presiding.

By Senator Pope—

Senate Resolution No. 3-X(49):

A RESOLUTION CONCERNING THE PAY OF OFFICERS AND ATTACHES OF THE SENATE.

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA THAT: EFFECTING THE PAY PERIOD BEGINNING SEPTEMBER 7, 1949, THE FOLLOWING SALARIES ARE TO BE PAID TO THE OFFICERS AND ATTACHES OF THE SENATE.

Section 1. Attaches to receive ten (\$10) dollars per diem:

(a) The President and all Senators may designate one secretary at ten (\$10) dollars per day, which secretary shall also serve in stenographers' pool when not needed by the individual senator.

(b) The secretary of the Senate and the employees of his staff are to receive ten (\$10) dollars per diem, each.

(c) The heads of the following departments are to receive ten (\$10) dollars per diem, each:

Journal room

Stenographic Department

(d) All elective officers of the Senate will receive ten (\$10) dollars per diem.

(e) The following employees will receive ten (\$10) dollars per diem each:

Supply Clerk

Postmaster

Deputy Sergeant-at-Arms

Custodian of equipment and supplies

Legislative expense auditor

Indexers

Pay roll clerk

Secretary of Senate Finance and Taxation Committee

Appropriation Committee

(f) The above salary schedule applies to all pre-session work 1949 Extraordinary Legislative Session.

Section 2. All other attaches are to receive eight (\$8) dollars per diem except pages who are to receive six (\$6) dollars per diem.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 3-X(49) was adopted.

By Senator Pope—

Senate Resolution No. 4-X(49):

A Resolution Relating to Additional Services for Senate Employees and Indexers.

BE IT RESOLVED BY THE SENATE OF THE 1949 EXTRAORDINARY SESSION OF THE LEGISLATURE OF THE STATE OF FLORIDA:

That there shall be allowed for additional service to be paid to attaches of the Senate of the 1949 Extraordinary Session of the Legislature of the State of Florida the sum of amount necessary for such additional service and payment to be for the benefit of those attaches certified to the Comptroller by the chairman of the Legislative Management in the Senate prior to the adjournment of the Legislature, by name and amount, this resolution being intended to embrace the additional time allowance for the indexers of the Senate and House Journals upon certificates as aforesaid for the additional work necessary following the close of the Extraordinary Session.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 4-X(49) was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
September 7, 1949

Honorable Newman C. Brackin
President of the Senate:

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Senator McArthur—

Senate Concurrent Resolution No. 2-X (49)—

A Resolution inviting the Governor of Florida to address a joint Session of the Legislature.

WHEREAS, it is the desire of this Legislature to have His Excellency, Fuller Warren, Governor of Florida, address us in joint session on this day, Wednesday, September 7, 1949;

Now, Therefore, be it resolved by the Senate of the State of Florida, the House of Representatives concurring:

Sec. 1. That the Senate and House of Representatives convene in joint session in the chamber of the House of Repre-

sentatives at 12:45 o'clock, P. M., this day, Wednesday, September 7, 1949, and that His Excellency, Fuller Warren, Governor of Florida, be invited to convey to the joint session such message as he may deem expedient.

Respectfully,

LAMAR BLEDSOE
Chief Clerk,
House of Representatives

And Senate Concurrent Resolution No. 2-X(49), contained in the above Message, was referred to the Secretary of the Senate as Ex-Officio Enrolling Clerk, for enrolling.

Pursuant to Senate Concurrent Resolution No. 2-X(49) the Senate formed in processional order and marched in a body to the hall of the House of Representatives in the order of their services as Senators, preceded by the President and the President Pro Tempore of the Senate, who were preceded by the Secretary of the Senate, the way being opened to the hall of the House of Representatives for the Senators by the Sergeant-At-Arms of the Senate.

The House of Representatives received the Senate in due form.

Honorable Perry E. Murray, Speaker of the House of Representatives, received the President of the Senate on the rostrum and requested him to preside over the joint assembly.

The President in the Chair.

By direction of the President, the Chief Clerk of the House of Representatives called the roll of the House of Representatives and the following members answered to their names:

Mr. Speaker	Dekle	McKendree	Schuh
Allen	Douglas	McMullen	Sellar
Andrews	Dowda	Melvin	Shepperd
Beasley	Dunn	Merchant	Simpson
Bedenbaugh	Elliott	Monahan	Slaughter
Black	Frank	Moody	Smith, L. W.
Bollinger	Fuqua	Morgan	Smith, M. B.
Botts	Haley	Murray	Smith, W. A.
Branch	Heath	Nesmith	Stewart
Bronson	Henderson	Odham	Stockdale
Bryant	Hendry	Okell	Strayhorn
Burnsed	Hethcox	Papy	Summers
Burton	Hough	Parker	Surles
Burwell	Hudson	Patton	Sweeny
Carlton	Johnson	Pearce	Tapper
Carraway	Keith	Peeples	Thornal
Clement	Lancaster, D.	Phillips	Usina
Cobb	Lancaster, H.	Pooser	Whitlock
Collins	Lantaff	Roberts, J. P.	Williams
Cook	Luckie	Roberts, Roy	Wise
Copeland	MacWilliam	Rood	Wotitzky
Courtney	Mathis	Saunders, D. H.	Yeomans
David	McAlpin	Saunders, S. D.	
Dayton	McClure	Scarborough	

—94.

A quorum of the House of Representatives was declared present.

By direction of the President, the Secretary of the Senate called the roll of the Senate and the following Senators answered to their names:

Mr. President	Beall	Davis	King
Alford	Boyle	Franklin	Leaird
Ayers	Carroll	Gautier	Lindler
Baker	Clarke	Getzen	Mathews
Baynard	Collins	Johns	McArthur
Beacham	Crary	Johnston	Moore

Pearce
Pope
Ray
Rodgers

Sanchez
Shands
Sheldon
Shivers

Smith
Sturgis
Tucker
Walker

Wilson
Wright

—38.

A quorum of the Senate was declared present.

The President announced a quorum of the joint assembly present.

Senator McArthur moved that a committee be appointed to notify the Governor that the Senate and the House of Representatives were in joint session assembled and ready to receive His Excellency's message.

Which was agreed to.

The President appointed Senators McArthur and Gautier; and Messrs. Smith of Polk, Schuh of Pinellas and Lantaff of Dade, as the committee.

The committee withdrew.

Honorable R. A. Gray, Secretary of State; Honorable Richard W. Ervin, Attorney General; Honorable Clarence M. Gay, Comptroller; Honorable J. Edwin Larson, Treasurer; Honorable Nathan Mayo, Commissioner of Agriculture; Honorable Thomas D. Bailey, Superintendent of Public Instruction; constituting the Cabinet, appeared in a body at the Bar of the House of Representatives and were seated immediately in front of the rostrum.

The committee appointed to wait upon the Governor reappeared in the hall of the House of Representatives escorting His Excellency, Fuller Warren, Governor of Florida.

The Governor was received by the joint assembly standing.

The President presented His Excellency to the joint assembly and the Governor thereupon delivered his message to the Legislature in joint session assembled.

Following the Governor's address, Senator McArthur moved that the Senate withdraw from the joint assembly and resume its session in the Senate Chamber.

Which was agreed to.

The Senate returned to the Senate Chamber in processional order and resumed its session at 1:15 o'clock P. M.

The roll was called and the following Senators answered to their names:

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

—38.

A quorum present.

The hour of adjournment having arrived a point of order was called and the Senate stood adjourned at 1:18 o'clock P. M., until 11:00 o'clock A. M., Thursday, September 8, 1949.